

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

McCORMACK, Derek
MOTOROLA EUROPEAN INTELLECTUAL
PROPERTY OPERATIONS
Midpoint, Alencon Link
Basingstoke, Hampshire RG21 7PL
GRANDE BRETAGNE

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

EIPD

25 JUN 2004

Date of mailing
(day/month/year)

21.06.2004

RECEIVED

Applicant's or agent's file reference
CM00880P

IMPORTANT NOTIFICATION

International application No.
PCT/EP 03/01612

International filing date (day/month/year)
18.02.2003

Priority date (day/month/year)
05.03.2002

Applicant
MOTOROLA INC

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

**DOCKETED
EIPD**

25 JUN 2004

Name and mailing address of the international preliminary examining authority:



European Patent Office - Gitschiner Str. 103
D-10958 Berlin
Tel. +49 30 25901 - 0
Fax: +49 30 25901 - 840

Authorized Officer

Cornudet, V

Tel. +49 30 25901-712




PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference CM00880P	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/01612	International filing date (<i>day/month/year</i>) 18.02.2003	Priority date (<i>day/month/year</i>) 05.03.2002
International Patent Classification (IPC) or both national classification and IPC H04N7/26		
Applicant MOTOROLA INC		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 29.09.2003	Date of completion of this report 21.06.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized Officer Gries, T Telephone No. +49 30 25901-429



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/01612**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-25 as originally filed

Claims, Numbers

1-10 as originally filed

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/01612

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-5
	No: Claims	6-10
Inventive step (IS)	Yes: Claims	1-5
	No: Claims	6-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. **Reference is made to the following document:**
D1: US 2002/021761 A1 (WU FENG ET AL) 21 February 2002 (2002-02-21)
2. It appears that **claims 1 to 5**, describing a method and a video communication system for improved transmission of scalable video object planes over error-prone networks, fulfill the requirements of the PCT as to novelty and inventive step.
 - 2.1 Document **D1**, which is considered to represent the most relevant state of the art, discloses (D1, paragraphs [0014]-[0032]) an scalable layered video coding scheme with error resilience by inserting more unique resynchronization marks into the enhancement layer bitstream in addition to the existing start codes associated with headers of each video-object-plane (VOP) and each bit plane, from which the subject-matter of claim 1 differs in that a reference VOP's identifier from a video object plane header is replicated into a number of enhancement layer header extensions and the "ref_select_code" field of reference VOP's identifiers of MPEG-4 scalable VOP enhancement layer is used.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as an improvement of error resilience and quality of scalable video enhancement layers during transmission over error-prone networks, because it enables the decoder to identify these reference VOP's that should be used for reconstruction of the current one.

- 2.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

no document of the prior art, alone or in combination, discloses the introduction and/or use of this specific field to solve this problem.

2.3. Claims 2-4 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

2.4 The video communication system of **claim 5** comprises a video encoder with replicating means for replicating a reference VOP's identifier from a video object plane header into a number of enhancement layer header extensions, a transmitter and a video decoder, which detects one or more errors in said reference VOP's identifiers in a enhancement layer, the replicating step as disclosed in the corresponding method claim 1 being new and inventive for the same reasons as in §§ 2.1 and 2.2, mutatis mutandis.

3. **Claims 6 to 8** describe a video communication unit (claim 6), a video encoder (claim 7), and a video decoder (claim 8) respectively, which are "adapted for use in the method of claims 1 to 4 or adapted for use in the communication system of claim 5".

However, these claimed entities are not described in terms of their technical features, so that *any* other well known video communication unit, video encoder or video decoder, is in the same way "adapted for use in the methods of any of claims 1 to 4 or adapted for use in the communication system of claim 5". The subject-matter of these claims (as filed) is therefore not novel as such and does not fulfill Article 33(2) PCT.

4. The same objection as above applies mutatis mutandis against **claims 9 and 10**.

These claims describe mobile radio devices comprising a video communication unit or video encoder or video decoder in accordance with claims 6 to 8, which are not new as such, because mobile radio devices having video communication units, video coders or video encoders, are well known. Therefore, the subject-matter of claims 9 and 10 (as filed) is not novel as such and does not fulfill Article 33(2) PCT.

5. Claims 1-10 are industrial applicable, because the proposed method, systems and devices can be implemented in video communication coder and decoder equipment, which are sold worldwide.